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February 16, 2022

Honorable Alison J. Nathan  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: United States v. Roger Thomas Clark  
15-cr-866 (AJN)

Dear Judge Nathan:

I write to provide an update to the Court regarding Roger Clark's ability to proceed to sentencing. Today, February 16, 2022, with Mr. Clark's permission, I spoke with his treating physician, Dr. Marc Ross. Dr. Ross reported to me that while Mr. Clark remains on opioids and other neuropathic medications, Dr. Ross believes that Mr. Clark is able, physically and cognitively, to proceed to sentencing. I described to Dr. Ross what this would entail: Mr. Clark would need to be able to review documents, possibly to write a document to submit to the Court and, if he chooses, speak to the Court at his sentence hearing. Dr. Ross is confident that Mr. Clark can do these things. While Mr. Clark continues to report extreme pain, which Dr. Ross believes is genuine (not malingering), neurocognitive testing on Mr. Clark indicates that his cognitive functioning is not impaired to the degree that it would negatively impact his ability to participate in his sentencing.

Mr. Clark advises me that he remains in extreme pain. According to Dr. Ross, the treatment plan currently calls for Mr. Clark to have a nerve study that should provide an objective indication of the extent and cause of this pain. A future nerve block may be administered.

Given these circumstances, I believe that it would be appropriate for the Court to set a sentencing date. I request permission to file a supplemental sentencing submission. My original submission was filed on November 6, 2020. I filed a supplemental submission almost a year ago on March 8, 2021. Since that time, several things that may affect the Court's sentencing decision have occurred: Mr. Clark's serious injury while in the care of the Metropolitan Detention Center ("MDC"), his hospitalization and medical treatment and his second bout with COVID-19. I would like to provide detailed information for the Court's

consideration, as well as for inclusion in the Pre-sentence Investigation Report ("PSR"). As the Court knows, the PSR will follow Mr. Clark to the facility where he is designated to serve his sentence. I believe that it is vital that the facility have information about Mr. Clark's medical situation (diagnosis, prescriptions, assistive devices, such as a cane). In my experience, it is very difficult to get facilities to accept this information if it has not been included in the PSR. To obtain the information I need from the MDC and Mr. Clark's physicians, consult with Mr. Clark and allow him time to write his own description of what he has experienced over the past several months will take time. I therefore ask that the Court permit me to file a supplemental sentencing submission by March 23, 2022, with the government permitted to file a response letter, if any, by March 30, 2020, with sentencing to follow.

I have consulted with one of the Assistant United States Attorneys who is representing the government in this case, and the government has no objection to this request.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Stephanie M. Carvlin

cc: AUSA Michael Neff  
AUSA Vladislav Vainsberg